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Resources and Results in Union Rivalry: A Case Study Ressources et résultats dans une lutte syndicale : analyse d'un cas à l'Université laurentienne de Sudbury.

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Résumé de l'article

L'Association des employés de soutien de l'Université Laurentienne (AESUL) s'est méritée le titre de premier syndicat indépendant d'un groupe d'employés de soutien à être accréditée sous la Loi des relations du travail dans une université d'Ontario, et ce après un conflit de rivalité syndicale fort coloré avec le Syndicat canadien de la fonction publique (SCFP). Certains estiment que l'organisation est un processus par lequel on s'efforce d'abord de vendre l'idée du syndicalisme pour ensuite vanter les avantages d'un syndicat en particulier. Quand il s'agit d'une bataille entre syndicats concurrents, il est loisible d'examiner les moyens utilisés par chacun d'eux pour prôner leurs avantages respectifs.

La présente analyse rétrospective et approfondie permet de mettre en relief trois points qui ont concouru à l'obtention du résultat final: le rôle des facteurs non économiques reliés au travail, l'idée que l'on se fait du syndicalisme et les moyens d'influer sur les décisions à prendre.

Les données de cette étude ont été tirées des dossiers des deux syndicats en présence, de ceux de la Commission des relations du travail de l'Ontario ainsi que de ceux de l'Université Laurentienne. Le représentant régional du SCFP, des membres du comité de direction de l'AESUL, de l'ancien recteur de l'Université ainsi que du directeur des services à l'époque ont été longuement interviewés.

L'AESUL doit son existence à l'Association des employés de bureau de l'Université qui, à ses débuts en 1970, n'était pas accréditée et qui comptait dans ses rangs des employés du bureau, des dactylos, des expéditeurs et des receveurs, les techniciens en bibliotechnie, les employés des presses universitaires et les perforatrices. À ce moment, le SCFP commençait à faire du recrutement dans le secteur des employés de bureau et, pendant les premiers mois de 1973, il s'est efforcé d'obtenir l'adhésion de ce groupe d'employés à l'Université Laurentienne. Les effectifs y étaient assez nombreux pour retenir l'attention d'un syndicat aussi important. Le comité exécutif de l'AESUL a jugé que la tentative du SCFP était en quelque sorte une effraction.

La tension était considérable. Les partisans des deux camps s'affairaient à poser des affiches, à arracher celles de la partie adverse peu de temps avant l'heure de la fermeture des bureaux afin de s'assurer que les employés en prendraient connaissance avant l'heure de la sortie du travail. L'administration de l'Université fermait les yeux sur cette activité. Les partisans de l'AESUL faisaient valoir les avantages suivants: pouvoir accru de négociation, statut juridique reconnu, autonomie de l'association et protection contre l'intervention d'un tiers en cours de convention collective. De son côté, le SCFP insistait sur le pouvoir de négociation.

En juillet 1973, quand l'AESUL a demandé l'accréditation, le SCFP s'y est opposé en accusant l'Université de favoriser l'association. Un mois plus tard, après une deuxième audition devant la Commission ontarienne, cette dernière décréta un vote qui donna lieu à une nouvelle campagne de propagande. Le vote fut tenu en octobre.

Il est bon de signaler que, en aucun temps, l'AESUL n'a parlé ouvertement de syndicat. Il était question d'accréditation, mais non de syndicat. Même s'il existait beaucoup de relations entre les employés de l'Université et ceux de l'INCO et de la Falconbridge qui sont syndiqués, le personnel de bureau de l'Université ne trouvait pas convenable de former un syndicat. L'idée de syndicat détonnait dans un milieu universitaire. La communauté de Sudbury avait toujours considéré l'Université comme une institution de haut savoir. Le concept syndicat ne pouvait s'appliquer ni à l'endroit ni au milieu de travail. C'est pourquoi les responsables de la campagne de recrutement se sont gardés d'utiliser le terme « syndicat », et ceci en dépit du fait que le syndicalisme est une institution bien connue à Sudbury.

Il faut se demander pourquoi le SCFP, qui possédait ressources et compétence, a perdu cette bataille. C'est que l'AESUL a su miser sur les problèmes du travail. En effet, sur les vingt-trois points que cette dernière a touchés, dix-huit portaient sur les problèmes inhérents au travail et cinq seulement se rapportaient aux salaires et aux avantages sociaux. Au contraire, le SCFP a mis presque exclusivement l'accent sur ces deux points.

Ce qui ressort de cette étude, c'est que l'AESUL doit son succès en grande partie à sa situation de premier occupant et à la facilité de persuader des gens qu'elle connaissait bien. Les dirigeants étaient au courant des problèmes de chaque petit groupe d'employés. Ces facteurs se sont avérés plus efficaces que les arguments de propagande directe, même si les derniers jours de la campagne furent marqués d'une chaude lutte. Quant à l'Université, elle s'est montrée très discrète tout au long du débat. En résumé, ce sont des motifs d'ordre pratique qui ont poussé les employés à favoriser l'Association plutôt que le syndicat.

Resources and Results in Union Rivalry

A Case Study

Joan Mount
and
Jacob P. Siegel

This paper shows the asymmetric disequilibrium between available resources and results in the course of a union recruiting campaign in a case study of an experience of CUPE and LUSSA at Laurentian University.

Union organizing activity, has been the focus of much study by students of Industrial Relations. Bain (1980), in a paper prepared for Canada Department of Labour, reviews much of this literature and offers a long list of factors reported by researchers as associated with the certification process. The literature can be characterized as private as opposed to public sector oriented, blue collar as opposed to white collar oriented, cross-sectional as opposed to longitudinal, and univariate in design. The competitive political struggle by rival unions and its effect on the process of certification has not been an object of much study.

The present study is longitudinal in nature, and deals with an early instance of white-collar unionization in Canada. The pioneer union in question is a small in-house association that emerged victorious in the wake of a furious run-off with CUPE. LUSSA, The Laurentian University Support Staff Association, was the first in-house support staff union in an Ontario University to become certified under the Labour Relations Act.

It has been argued that the function of organizing is a marketing process to persuade workers to accept unionism in general and to join one union in particular. With competing unions we may examine how each attempts to sell its own differentiated brand of organization. In this historical longitudinal analysis we can also examine several factors as jointly contributing to the independent union's (LUSSA) certification success in its

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competition with CUPE. While the drama of a small independent organization's struggle to compete with a large national union may be of interest in itself, it offers us additional insight into three issues — the role of non-economic job-related factors, the image of «unionism», and the ability to control the decision-making process which contributed to the chosen outcome.

The data for this historical analysis was gathered from the file documents of the two rival unions, the Ontario Labour Relations Board, and Management. Indepth interviews (2 hours on average) were conducted with the CUPE area representative at the time, with members of the Association executive including the then President and Vice-President plus the current President, as well as with the former president of Laurentian University and the Director of Services at that time, with a view to supplementing retrospective investigation of the relevant documentation. Representatives of CUPE and Management were interviewed on an individual basis during the first half of 1982. Representatives of the inhouse union were interviewed using a group format.

BACKGROUND

LUSSA, the Laurentian University Support Staff Association, has its roots in the original clerical association of the University (CALU). CALU first existed as a non-certified association formed in early 1970 with a membership of: secretaries, clerks, typists, shippers and receivers, library technical staff, university press employees, and key punch operators.

Where there had traditionally been a loose affiliation among the various non teaching groups on campus, CALU¹ was formed to represent the interest of most of the non-teaching staff of the university. The stated objectives in the 1970 constitution were:

- a) to promote the welfare of the clerical employees of the university;
- b) to establish a closer liaison between clerical staff and the Administration of Laurentian University;
- c) to deal with all other matters considered to be in the interest of the member of the Association.

¹ Clerical Association of Laurentian University, *Constitution*, 1970.

None of the various non-teaching employee groups on campus were unionized in 1970. Maintenance workers joined CUPE in 1973, and in 1978 the security guards joined the Canadian Guard's Union.

The general climate at Laurentian University in the early 70's reflected the impact of the student assertiveness of the late 1960's. A more egalitarian spirit led to abolition of the so-called «high table» in the common eating area, so that faculty were no longer set apart. It also led to student representation on the University Senate and on a number of university committees. The increased responsiveness of senior university administration to student demands had a spin-off effect with respect to give-and-take with all levels of the work force. It became possible for support staff to approach the university with salary demands and job-related dissatisfactions with more assurance of being heard.

PRECIPITATING FACTORS

Certain practices had evoked considerable discontent within this sector of the university work force. Favouritism was perceived with respect to distribution of annual raises within the support staff group, and with regard to choice of vacation dates. Discrimination between itself and other groups was seen in the existence of a punch clock for clerical employees, in the allocation of parking spaces, in the fringe benefits offered, and in the lack of representation on various committees, such as the Senate Budget Committee and assorted search committees, thought to impact upon conditions of work. All were resented.

As it turned out, one of the above dissatisfaction served as a direct catalyst with respect to group cohesiveness, and paid dividends with regard to the credibility of the Clerical Association amongst its membership. The stance of some of the executive and others in connection with the time clock ultimately led to its removal. In the Clerical Association minutes of June 18, 1970 it was reported that:²

Effective July 1, 1970; employees will no longer be required to punch out at lunch time.

In the CALU minutes of December 21, 1970 it was stated that:³

² Clerical Association of Laurentian University, *Minutes of General Membership Meeting*, June 18, 1970.

³ Clerical Association of Laurentian University, *Minutes of General Membership Meeting*, December 21, 1970.

...any employee with 5 years service at Laurentian, Executive Secretary, Private Secretary, B.A. degree, would be exempt from punching as of Jan. 1, 1971.

In the minutes of January 8, 1971:⁴

...abolishment of the punch clock as of Monday, January 1.

...the punch clock has been in for 4 years, and I should mention that at the time it was installed we were told in no uncertain terms that it was here to stay. In the beginning and for years after, the matter could not even be discussed with us.

(Evelyn Ham, President CALU)

As indicated above, the university offered to lift the requirement that upper level support staff punch in and out. The CALU executive — all of whom were in the «exempt» category — confronted the administration with the demand that the same consideration be shown to all levels. This effort proved effective. Support staff felt that they had stood up to management — successfully and the leaders of the Association were perceived as fighters in the common interest, a factor viewed by the leadership as central to their later credibility in the face of threat.

CUPE'S CHALLENGE

In the early months of 1973, the Canadian Union of Public Employees (CUPE) made a concerted drive on the secretarial/clerical work force at Laurentian University. CUPE at that time was commencing a major expansion into the white collar sector. The Laurentian office workers were of sufficient importance in this regard to command the attention of a full-time organizer and of the union's area representative. CUPE rented the prestigious Rothman Centre for its information sessions, which were accompanied by free coffee, doughnuts and cigarettes. Attendance was high, and subsequent events indicate that a number of people were willing to support CUPE.

The non-unionized Clerical Association executive regarded CUPE'S offensive as nothing less than a «raid». Having attended the information sessions held by CUPE, the CALU executive galvanized its energies for a counter-campaign. Emotions ran high as supporters on each side peppered the University premises with posters, tearing down those of their opponents, and replacing them with their own — just before closing time in order to ensure their being there as workers left. The University administra-

⁴ Clerical Association of Laurentian University, *Minutes of General Membership Meeting*, January 8, 1971.

tion virtually shut its eyes to this activity. There were meetings, sometimes lengthy, on company time, an overload on the campus mail service, and even some card signing on company time. Management, mindful of the legal implications of obstruction or partisanship, was treading with great caution.

At the meeting of the Association held on June 20, the Executive Committee of CALU presented a written summary of the three avenues which it saw open:⁵

1. Remain as we are
2. Certified Association
3. Union (implies a «local of a national or international union»).

The perceived disadvantages of the status quo were the absence of legal rights and the susceptibility to «raiding». The perceived advantages of a Certified Association were the bargaining powers and legal status of a trade union, self-governance («control...within the Association»), plus protection from a raid by another union during the closed period of the contract. The stated advantages of a Union were the bargaining power which it would bring, plus the protection from raiding. The communique makes no reference to any advantage or disadvantage which might derive from being a local of (CUPE — The Goliath) a big, powerful and established trade union.

Two inserts accompanying the package of options underscore the particular inclination of the Clerical Association executive. The first of these was directed toward members who had already signed with CUPE and who might desire to do an about-face⁶.

One may sign as many cards as desired, with as many unions or other, until certification of any one bargaining agent:

The second insert referred to a letter from the University of Guelph outlining that Association's desire to decertify «at any cost», which turned out to entail a debt of approximately \$1,000. We quote:⁷

This letter in no way relates to the Union of CUPE representing the University of Guelph maintenance group.

⁵ Clerical Association of Laurentian University, *Minutes of General Membership Meeting*, June 20, 1973.

⁶ *Ibid.*

⁷ *Ibid.*

One notes the effort to plant the inference that CUPE is a union for maintenance («blue collar») workers. Furthermore, they intimated that the Guelph Staff Association was determined to decertify from a *national* union.

An informal, but secret, ballot of the CALU membership indicated that the membership favoured the second option 87-13; i.e. certification of the Association under the Ontario Labour Relations Act.

CUPE did not sit idly by. Circulars attempting to foster both the notion of CUPE's Legitimacy as a white collar bargaining agent, and of its national scope, were distributed to all clerical employees through the campus mail⁸.

The Canadian Union of Public Employees represents 50,000 clerical workers throughout Canada. In fact, among those employees are clerical and library staffs in universities from British Columbia to New Brunswick.

CUPE members work for provincial governments, local municipalities, school boards, hospitals, the CBC and universities.

Then, to add further legitimacy to its name and claims, CUPE quoted a prominent member of the Laurentian University faculty:⁹

Here's what Professor Paterson, head of Laurentian's philosophy department, said recently about CUPE:

«CUPE has had a long experience in assisting local groups to realize their fullest potential as partners in determining conditions of work and salary.

«I heartily endorse CUPE and urge the members of the clerical staff at Laurentian University to consider favourably an affiliation with this national organization.

CUPE supporters distributed another circular under the header: LAURENTIAN UNIVERSITY COMMITTEE OF CONCERNED WORKERS which specifically refers to the financial resources of a large union. It addresses such requirements as the need for qualified negotiating personnel, the need for a defence («strike») fund and the need for an education fund.

On June 22, 1973 the Executive Committee of the Clerical Association dispatched a letter to the Ontario Labour Relations Board, the first of a series of communications with this body. The Executive claimed specifically that CUPE'S representative was interfering with its activities during salary negotiations. The letter sets out in seventeen points why «we feel we have voluntary recognition as the bargaining agent for clerical employees of

8 Canadian Union of Public Employees, (CUPE) *Campaign Literature*, June 1973.

9 *Ibid.*

Laurentian University». It makes a number of naive assertions which might suggest that this organization is a management-dominated employee association — a condition which would preclude both voluntary recognition and certification¹⁰.

The university has granted the Association representation on various University Councils or Committees, e.g. The Board of Governors, the Security Committee, the University Benefits Committee, etc.

The university allows time out of the office for our meetings...

The Executive committee of the Association has been invited to many social functions of the university representing the clerical staff.

This theme of management sponsorship was shortly picked up by CUPE.

APPLICATION FOR CERTIFICATION

On June 20, 1973 the following motion carried at a general membership meeting of the Clerical Association:¹¹

that the Clerical Association mandate the Executive Committee to investigate the feasibility and implications of certification of the Clerical Association as a recognized bargaining agent and report back to the general association in a week.

One week later, June 28, a second meeting was held at which the Executive Committee passed out signature cards for membership in an association to be certified under the Labour Relations Act. The Clerical Association of Laurentian University had now begun its sign-up campaign.

The Executive Committee made immediate application for certification to the Ontario Labour Relations Board, stating that there were 120 employees in the unit described as appropriate for collective bargaining as of the date that application was made. The respondent, i.e. The University, claimed that only 112 employees were appropriate to the bargaining unit.

A hearing was scheduled before the OLRB on Monday, July 16, 1973, in Toronto. To the total surprise of those representing the Clerical Association (they claim no foreknowledge), there was an intervention of their application by CUPE. The Board had sent a registered letter to the Association, dated Friday, July 13, 1973, with a copy of the Application for Certification by Intervener (form 12-Ontario Labour Relations Board) dated

¹⁰ Clerical Association of Laurentian University, *Correspondence to Ontario Labour Relations Board*, June 22, 1973.

¹¹ Clerical Association of Laurentian University, *Minutes of General Membership Meeting*, June 20, 1973.

July 11. Also appended were the allegations against the Clerical Association, which cite specific acts on the part of the University which might be construed as sponsorship of the Clerical Association:¹²

In summary, it is the opinion of the Canadian Union of Public Employees that Laurentian University has sponsored directly or indirectly, the Clerical Association of Laurentian University in order to counteract the organizing drive launched by C.U.P.E.

The intervener states that the Ontario Labour Relations Board has to properly consider whether the Applicant is a Trade Union within the meaning of the Act; close scrutiny to be given to the Applicant's Constitution and furthermore the person claiming to be the President of the Association is a person who could not qualify as an «Employee» within the meaning of the Labour Relations Act.

The memorandum cites, as evidence of its allegations, the presence of the President of the University, the Vice-President (Administration), and the Director of Services at the meeting which passed the motion to mandate the CALU Executive Committee to investigate the feasibility and implications of certification. It also specifies the following: a general membership meeting (meeting of June 28, 1973) which extended beyond the normal lunch break without penalty, conspicuous sign-up activities during working hours, plus denial of knowledge of sign-up activities by the Director of Services, coupled with an implied desire not to know. At the hearing, membership evidence was presented by both the Applicant and the Intervener, namely 87 signed cards for the association, 43 for CUPE. Four of the Clerical Association's cards were disallowed, and two of CUPE's. Clearly, given a maximum of 120 in the prospective bargaining unit, some double signing had occurred. On the recommendation of a local labour consultant engaged by CALU, the inexperienced team from the Association requested an adjournment of the hearing. A memo from the Executive Committee to the Membership of the Association, dated August 7, states:¹³

The case was adjourned for further investigation into the alleged charges of CUPE against the Clerical Association, and also the facts as presented by the Association.

The continuation of the hearing is to be on August 28, 1973, at 9:30 a.m., in Sudbury, at which time CUPE intends to call certain clerical people to the stand.

¹² Canadian Union of Public Employees, *Memorandum* (to Ontario Labour Relations Board), July 11, 1973.

¹³ Clerical Association of Laurentian University, Executive Committee, *Memorandum* (to General Membership), August 7, 1973.

A «UNION»?

CALU's advisor firmly recommended that the organizing team obtain the services of a labour lawyer at this juncture. He also admonished it «to get out and walk with some union» — not merely to generate «solidarity» and moral support for its own efforts, but to position the Association as a bona fide «trade union» within the meaning of the Ontario Labour Relations Act, even if not so called. This was a direct reaction to the suggestion that CALU was a prop of Management.

Obtaining appropriate legal counsel proved more difficult than expected. The reaction of one prominent Sudbury lawyer again reflects the credibility issue that the in-house Association was to encounter at several turns. His response to a request for counsel was to demand, «what right do you have to fight off CUPE?» This fight for credibility continues to this day in that the constitution of the Canadian Labour Congress (CLC) forbids recognition of any local organization that is not affiliated with a national or international trade union. Hence, the Sudbury Labour Council cannot recognize the Association since members must first belong to the CLC.

It is significant that at no point during this initial period did the Association speak openly of forming a «union» per se — of «certification», yes, but not of a «union». At that particular point in time, the idea of white-collar workers forming a union was still alien, regardless of — indeed to some extent because of, the close ties of many members to husbands and family in the unions at Inco and Falconbridge. There was still a strongly entrenched feeling, as far as the white-collar work force was concerned, that a union does not «fit» with an institution of higher learning. It should be noted that Laurentian University has traditionally been regarded as a high-status employer in the community. The concept of a «union» did not seem congruent with either the status of the job or the status of the work place. Consequently, the organizing committee shied away from the use of the term «union», despite the high level of union density within the community.

A continuation of the first hearing was set for August 28, in order to entertain the evidence and representations of the parties concerning the charged filed by the Canadian Union of Public Employees. In the interim, a letter to the Ontario Labour Relations Board dated July 31, from the University Advisor, the head of the Northern Industrial Relations Association Corp. Ltd., presented the University's rebuttal to the charges laid by CUPE with respect to its alleged support of the Clerical Association drive. The document sets forth the University's rendition of each misdemeanour of which it was allegedly guilty, and then proceeds to state:¹⁴

¹⁴ Northern Industrial Relations Association Corp. Ltd., *Correspondence* (to the Ontario Labour Relations Board), July 31, 1973.

The letter (original communique from CUPE) contains an allegation that Laurentian University was working with the Clerical Association in order to counteract the organizing drive launched by Canadian Union of Public Employees. This is entirely false, as the management of Laurentian University had no knowledge whatsoever that the Canadian Union of Public Employees was attempting to organize the clerical staff previous to the hearing at Toronto. The management further denies that it has contravened any of the sections of the Ontario Labour Relations Act with reference to the Clerical Association.

To safeguard against any slip, the President of the university issued a memorandum on August 21 to all heads of Academic and Administrative Units¹⁵.

More than one group is interested in representing members of our clerical staff as a collective bargaining agent. In this situation it is imperative that the university adopt a position of strict neutrality. This, of course, means that the university should neither assist nor obstruct the efforts of either party...

I would ask, therefore, that you ensure that within your unit no university material or equipment is used for union purposes and that you advise any clerical personnel in your unit that no union organization activity is to be carried on during regular working hours.

The Clerical Association also filed a report with the OLRB, dated August 14, responding to the allegations of the Canadian Union of Public Employees. It then went on to reiterate the claim contained in its letter to the OLRB of June 22, namely that CUPE was¹⁶

trespassing while the Clerical Association were under contract with Laurentian University (old contract in force until July 1, 1973, and the new contract was signed June 28...) to unionize our membership with CUPE.

We further claim that we have been recognized by the University as the bargaining agent of the clerical employees for three years...

THE SECOND HEARING

As scheduled, the second hearing transpired in Sudbury on August 28. In the meantime the Association had secured the services of a lawyer.

The challenge before him was complex. In-house unions per se were rare and there was considerable uncertainty as to how to proceed even in labour circles. With the rise of white-collar certification, the probability of

¹⁵ MONAHAN, E.J. *Memorandum*, August 21, 1973.

¹⁶ Clerical Association of Laurentian University, *Memorandum* (to the Ontario Labour Relations Board), August 14, 1973.

independent unions greatly increased, but at this juncture they were almost non-existent. Moreover, this particular lawyer was relatively unschooled in the intricacies of labour practice, and the organizing committee recalls that he appeared to harbour grave doubts about CALU's undertaking.

As always, the line of questioning before the OLRB reflected the Board's concern to establish that the Association was free from the influence of management. Testimony under oath was given about the events that surrounded the decision to certify, as well as about the election of the Association's officers. The OLRB thoroughly scrutinized the Association's constitution, and sought assurance that minutes were taken at all critical meetings.

THE BOARD'S DECISION

On August 29th, OLRB handed down its decision:¹⁷

...we find that the intervener has failed to substantiate its allegations as filed and the charges in this regard are accordingly dismissed.

...the Board further finds that the applicant (CALU) qualifies as a trade union...

Now there were officially two trade unions fighting to represent the same group of employees. The Board authorized C.R. Robicheau, Examiner, to inquire into and report back to the Board on the appropriateness of the bargaining unit as proposed and on the duties and responsibilities of the president of the Clerical Association, who was employed as secretary to the Registrar of the University. Her position within the bargaining unit had been challenged.

In accordance with the above, a meeting was convened forthwith to try to reach agreement upon all outstanding issues. Each side had legal counsel present. CALU's president recalls the meeting:¹⁸

This meeting was to determine the bargaining unit — what jobs would be included in the unit. Because the jobs allowed in the unit also represented people who had signed up (for either side), it ended up with each side (CALU AND CUPE), naturally, wanting those specific jobs for which incumbents had signed that side's card... the number signed up was extremely important at this point in time. There was therefore a period of time, during this meeting when «horse-trading» took place. It was not a pleasant meeting — definitely it was a meeting where each side was fighting for its life, so to speak. If either side went down to the required limit of signed cards, then the other side would automatically win if they still had sufficient cards.

¹⁷ Ontario Labour Relations Board, *Decision*, August 29, 1973.

¹⁸ Interview with E. Ham, February 1982.

Eventually the unit was struck, and because both sides still retained over the then required 35% of signed-up cards...the OLRB called for a representation vote.

THE REPRESENTATION VOTE

On September 21, representatives of the parties met and agreed upon such details with respect to the vote as suggested dates, location, location of advance notices, scrutineers and representatives for vote counting. It was also agreed that the ballot would have the name of the Clerical Association on the top, this being the incumbent bargaining agent. The Director of Services for the University reported this to the OLRB in his letter of September 21 (jointly signed by himself, the president of CALU, and the CUPE area representative to which were attached four copies of the voters' list. On September 27 the Executive Committee of the Clerical Association issued a memorandum to all employees announcing that the representation vote would occur on *October 17*.

Those that were closest to the campaign recall that the electioneering during the open period was intense. Even the succinct memo to the membership issued by CALU with regard to the date of the vote contained the following excerpt:¹⁹

Why give *your* hard-earned money to an outside group to support their head office out of town. Keep the Association's government within the Association. We *are* capable of running *our own business* and we *do not require outside interference*.

To underscore its credibility with the rank and file, the Clerical Association reminded its members of its accomplishments since inception in 1969. At the top of the list was «REMOVAL OF THE PUNCH CLOCK». Also in the list were «Posting of *ALL* Jobs», «Job Classification» and «The Right to Wear What One Desires — the Pant-Suit Issue». This list of twenty-three items provides a barometer of what the employees considered significant to their well-being in the work place. This list supports our view that the main areas of concern were non-economic.

The final result of a representation vote was 72.6% in favour of the Clerical Association, with a 95% turnout. On October 31, 1973, the Board issued a certificate designating the Association as the bargaining agent of all clerical employees of Laurentian University of Sudbury.

¹⁹ Clerical Association of Laurentian University, *Memorandum* (to the General Membership), September 27, 1973.

DISCUSSION

Why did CUPE, with its large resource base and expertise, lose out to the Association in this certification drive? In the introduction, reference was made to the importance of work-related and power-related issues in academic settings, and conversely the lesser importance of wages and fringe benefits as certification issues. Thompson (1982, 1976) in his review of content issues for bargaining has indicated that issues directed at improving conditions of work are most salient in academic situations. Hammer & Berman (1981), while dealing with faculty unions, showed that decision-making power and work-related issues were most salient in the decision to form a union, while salary and fringe were the least important issues. The Association, in its appeal to voters, addressed work-related and power-related issues. Of twenty-three issues circulated in its electioneering drive, eighteen dealt with work-related issues, and only five dealt with salary and fringes. Salary increases appeared 15th within their list of issues while gaining representation on assorted university policy-making committees was listed second, third and fourth. CUPE in its election drive emphasized wage and fringe benefits almost exclusively, and made no reference at all to local work issues. In its first circular «A CUPE contract means more» The Canadian Union of Public Employees attempted to show that CUPE locals «paid off» in higher wage and benefits settlements. In its second circular CUPE emphasized its financial resources and expertise in providing «the qualified personnel required in the negotiation of fair wages and benefits for us all». Despite a high level of union density in the Sudbury working population, and despite a long history of union activity in the community, the Laurentian University clerical staff association certified as an in-house union without national or international ties, because it apparently was more successful in gauging the needs of its potential membership. Indeed the association has succeeded in convincing the clerical group that it could improve working arrangements and influence administrative decisions within the «spirit of collegiality» of the University.

This study suggests that the «proprietary character» of the clerical staff association, together with the impact it could achieve through directed selling to a membership that was a known quality, lay at the heart of its success, and carried sufficient weight to offset the image of power and professionalism conveyed by CUPE. It is impossible, in retrospect, to assess the effect of individuated selling strategies and personal persuasion. Suffice it to say that, since the membership was a known quantity to the association's leaders, there was every opportunity for the leadership to tailor its informal communication to the specific concerns of any given individual. This was an

important part of its campaign strategy. As the contest heightened, peer pressure increased and became a potent force in both camps. Informal communication, much more powerful than any campaign literature, was reinforced by a hard-fought and very visible run-off centered on posters and printed releases coupled with information/enlistment meetings.

Part of the in-house association's strategy was to emphasize that it was *both* a «known quantity — deemed an effective tactic because its leadership had been perceived as assertive — and of an altogether different order than CUPE, an outside union with a blue collar stigma. CUPE'S strategy, on the other hand, was to stress its size and power, and indeed its profile as a REAL union with an active machine. To underscore its stature and resources, a professional organizer steered the CUPE campaign, although both CUPE and Association spokespersons have stated that this individual was not well matched to the task.

As for the employer, the University Administration was appropriately discrete in its public utterances. The private view of its chief negotiator was that he would prefer to deal with CUPE because he expected that it would be more «professional». He had had prior experience with a similar bargaining agent, and felt that he knew what to expect. In retrospect one deduces that, for the employees concerned, labour-management relations were not central to their decision. Indeed, there are multiple indicators that chosen allegiance was «a gut issue» based largely on elements outside this frame.

Ressources et résultats dans une lutte syndicale: analyse d'un cas à l'Université Laurentienne de Sudbury

L'Association des employés de soutien de l'Université Laurentienne (AESUL) s'est méritée le titre de premier syndicat indépendant d'un groupe d'employés de soutien à être accréditée sous la Loi des relations du travail dans une université d'Ontario, et ce après un conflit de rivalité syndicale fort coloré avec le Syndicat canadien de la fonction publique (SCFP). Certains estiment que l'organisation est un processus par lequel on s'efforce d'abord de vendre l'idée du syndicalisme pour ensuite vanter les avantages d'un syndicat en particulier. Quand il s'agit d'une bataille entre syndicats concurrents, il est loisible d'examiner les moyens utilisés par chacun d'eux pour prôner leurs avantages respectifs.

La présente analyse rétrospective et approfondie permet de mettre en relief trois points qui ont concouru à l'obtention du résultat final: le rôle des facteurs non économiques reliés au travail, l'idée que l'on se fait du syndicalisme et les moyens d'influer sur les décisions à prendre.

Les données de cette étude ont été tirées des dossiers des deux syndicats en présence, de ceux de la Commission des relations du travail de l'Ontario ainsi que de ceux de l'Université Laurentienne. Le représentant régional du SCFP, des membres du comité de direction de l'AESUL, de l'ancien recteur de l'Université ainsi que du directeur des services à l'époque ont été longuement interviewés.

L'AESUL doit son existence à l'Association des employés de bureau de l'Université qui, à ses débuts en 1970, n'était pas accréditée et qui comptait dans ses rangs des employés du bureau, des dactylos, des expéditeurs et des receveurs, les techniciens en bibliotechnie, les employés des presses universitaires et les perforatrices. À ce moment, le SCFP commençait à faire du recrutement dans le secteur des employés de bureau et, pendant les premiers mois de 1973, il s'est efforcé d'obtenir l'adhésion de ce groupe d'employés à l'Université Laurentienne. Les effectifs y étaient assez nombreux pour retenir l'attention d'un syndicat aussi important. Le comité exécutif de l'AESUL a jugé que la tentative du SCFP était en quelque sorte une effraction.

La tension était considérable. Les partisans des deux camps s'affairaient à poser des affiches, à arracher celles de la partie adverse peu de temps avant l'heure de la fermeture des bureaux afin de s'assurer que les employés en prendraient connaissance avant l'heure de la sortie du travail. L'administration de l'Université fermait les yeux sur cette activité. Les partisans de l'AESUL faisaient valoir les avantages suivants: pouvoir accru de négociation, statut juridique reconnu, autonomie de l'association et protection contre l'intervention d'un tiers en cours de convention collective. De son côté, le SCFC insistait sur le pouvoir de négociation.

En juillet 1973, quand l'AESUL a demandé l'accréditation, le SCFP s'y est opposé en accusant l'Université de favoriser l'association. Un mois plus tard, après une deuxième audition devant la Commission ontarienne, cette dernière décréta un vote qui donna lieu à une nouvelle campagne de propagande. Le vote fut tenu en octobre.

Il est bon de signaler que, en aucun temps, l'AESUL n'a parlé ouvertement de syndicat. Il était question d'accréditation, mais non de syndicat. Même s'il existait beaucoup de relations entre les employés de l'Université et ceux de l'*INCO* et de la *Falconbridge* qui sont syndiqués, le personnel de bureau de l'Université ne trouvait pas convenable de former un syndicat. L'idée de syndicat détonnait dans un milieu universitaire. La communauté de Sudbury avait toujours considéré l'Université comme une institution de haut savoir. Le concept syndicat ne pouvait s'appliquer ni à l'endroit ni au milieu de travail. C'est pourquoi les responsables de la campagne de recrutement se sont gardés d'utiliser le terme «syndicat», et ceci en dépit du fait que le syndicalisme est une institution bien connue à Sudbury.

Il faut se demander pourquoi le SCFP, qui possédait ressources et compétence, a perdu cette bataille. C'est que l'AESUL a su miser sur les problèmes du travail. En

effet, sur les vingt-trois points que cette dernière a touchés, dix-huit portaient sur les problèmes inhérents au travail et cinq seulement se rapportaient aux salaires et aux avantages sociaux. Au contraire, le SCFP a mis presque exclusivement l'accent sur ces deux points.

Ce qui ressort de cette étude, c'est que l'AESUL doit son succès en grande partie à sa situation de premier occupant et à la facilité de persuader des gens qu'elle connaissait bien. Les dirigeants étaient au courant des problèmes de chaque petit groupe d'employés. Ces facteurs se sont avérés plus efficaces que les arguments de propagande directe, même si les derniers jours de la campagne furent marqués d'une chaude lutte. Quant à l'Université, elle s'est montrée très discrète tout au long du débat. En résumé, ce sont des motifs d'ordre pratique qui ont poussé les employés à favoriser l'Association plutôt que le syndicat.

FIGURE 1

Significant Events — CALU/CUPE Campaign

- January 1970: Formation of non-certified staff association, CALU.
- January 1971: Abolition of the «punch clock».
- Spring 1973: CUPE appears as a contender (for CALU membership): has recently organized Laurentian University maintenance workers.
- June 20, 1973: CALU general membership votes «yes» to investigate the feasibility and implications of certification.
- June 28: CALU commences sign-up campaign.
- July 16: OLRB hearing; CUPE intervenes CALU application for certification.
- August 28: Continuation of OLRB hearing.
- August 29: OLRB decision *vis-à-vis* CUPE allegations and CALU's status as a trade union.
- October 17: Representation vote.
- October 31: OLRB issues certificate to CALU.

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